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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT TACOMA

8 ALISON E. MINNIS,

9                   Plaintiff,

10                 v.

11 STATE OF WASHINGTON,  
12 DEPARTMENT OF SOCIAL AND  
13 HEALTH SERVICES, et al.,

14                   Defendants.

CASE NO. C11-5600 BHS

ORDER DENYING PLAINTIFF'S  
MOTION TO AMEND  
JUDGMENT AND MOTION TO  
ALTER OR AMEND JUDGMENT  
AND/OR FOR  
RECONSIDERATION

15                 This matter comes before the Court on Plaintiff Alison Minnis's ("Minnis")

16 motion to amend judgment (Dkt. 143) and motion to alter or amend judgment and/or for  
17 reconsideration (Dkt. 144).

18                 On October 17, 2013, the Court granted Defendants' motion for summary  
19 judgment and dismissed Minnis's claims. Dkt. 144. On October 27, 2013, Minnis filed a  
20 motion to amend judgment. Dkt. 143. On October 31, 2013, Minnis filed a motion to  
21 alter or amend judgment and/or for reconsideration. Dkt. 144.

1       The Ninth Circuit has instructed that amendment or alteration is appropriate under  
2 Federal Rule of Civil Procedure 59(e) “if (1) the district court is presented with newly  
3 discovered evidence, (2) the district court committed clear error or made an initial  
4 decision that was manifestly unjust, or (3) there is an intervening change in controlling  
5 law.” *Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001).

6       Motions for reconsideration are governed by Local Rule CR 7(h), which provides  
7 as follows:

8               Motions for reconsideration are disfavored. The court will ordinarily  
9 deny such motions in the absence of a showing of manifest error in the  
10 prior ruling or a showing of new facts or legal authority which could not  
have been brought to its attention earlier with reasonable diligence.

11       Local Rule CR 7(h)(1).

12       In this case, Minnis moves for relief on numerous issues. Minnis, however,  
13 merely disagrees with the Court’s decision and elaborates on her arguments that were  
14 previously presented. Her argument that the statute of limitations was tolled when she  
15 filed her complaint and motion to proceed *in forma pauperis* was adequately addressed  
16 the Court’s order, and the Court’s ruling is not manifest error. Her argument based on  
17 new evidence is flawed in that she has failed to submit new evidence. Minnis argues that  
18 the state was aware of her lawsuit because it offered to settle. Minnis, however, has  
19 failed to provide any case law for the proposition that an offer of settlement overcomes  
20 the jurisdictional claim filing requirements. Therefore, the Court denies the motion on  
21 the issue of whether Minnis’ claims are time-barred and barred for failure to exhaust.  
22

1 With regard to Minnis's argument that she sued some defendants individually, this  
2 argument was not presented in her response to overcome summary judgment. *See* Dkt.  
3 126. Even if Minnis did sue some defendants in their individual capacity, the claims  
4 would have been dismissed under 28 U.S.C. 1337(c)(3) because the federal claims were  
5 dismissed and the remaining claims involve state law actions against non-diverse parties.  
6 Therefore, the Court denies the motion on this issue.

7 With regard to whether the Court was improperly influenced by "inflammatory  
8 and false statements," the Court's order speaks for itself; the outcome of Defendants'  
9 motion for summary judgment did not turn on the reliability of the cited statements.  
10 Therefore, the Court denies the motion on this issue.

11 With regard to Minnis's motion to amend the judgment (Dkt. 143), it is based on  
12 the same arguments presented in her other motion and have been addressed above.

13 Therefore, it is hereby **ORDERED** that Minnis's motion to amend judgment (Dkt.  
14 143) and motion to alter or amend judgment and/or for reconsideration (Dkt. 144) are  
15 **DENIED**.

16 Dated this 13<sup>th</sup> day of November, 2013.

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BENJAMIN H. SETTLE  
United States District Judge